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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,295	09/30/2003	Andrea Urban	10191/3212A	8189
26646 7590 01/19/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
AHMED, SIAMIM				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
01/19/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/676,295

**Applicant(s)**

URBAN ET AL.

**Examiner**

Shamim Ahmed

**Art Unit**

1792

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 7/30/09 & 9/29/09

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 9/29/09 have been fully considered but they are not persuasive. Applicant's argue that Ye et al as supported by Ohtake et al do not teach the step of refraining from injecting high-frequency power into the etching body in response to an "at least approximately ambipolar plasma being present".

2. In response to the argument, examiner states that the argument is not persuasive because Ye et al teach the creation of plasma in which equal amount of positive and negative charges are present and ambipolar plasma is nothing but the presence of both the positive and negative charges or ions as suggested by Ohtake et al. and Ye et al teach that pulsing the plasma generator and pulsing means "off" and "on" the plasma power that reads on the claimed refraining from injecting a high-frequency power into the etching body.

3. As to the 112, 2<sup>nd</sup> paragraph, the argument is not convening because the term "at least approximately" is indefinite because it is not clear what is the reasonable characteristic of the plasma meant by the term 'at least approximate'?

Therefore, the previous office action is repeated herein as follows:

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 and 8,10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claim 1, line 6, the phrase "at least approximately ambipolar plasma being present" renders the claim indefinite because it is unclear because the term "approximately" is not positively reciting the presence of the ambipolar plasma.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
9. Claims 1-3, 7-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ye et al (6,143,476) as supported by Ohtake et al ("Charge-free

etching using positive and negative ions --- low-frequency bias") in view of Aota et al (2003/0070759).

Ye et al teach a plasma etching process for manufacturing semiconductor device including the step of generating plasma through a substrate electrode and high - frequency (RF) power is supplied to the substrate electrode via a matching net-work (col.7, lines 61-67). Ye et al teach the term "plasma" which refers to a partially ionized gas containing an equal number of positive and negative charges or ions (col.7, lines 21-25). Ye et al may not explicitly teach that the generated **plasma** obviously in an ambipolar in nature as supported by Ohtake et al (see 1<sup>st</sup> paragraph at page 2416), wherein Ohtaka et al teach ambipolar means the presence of both the positive and negative ions or charges.

Ye et al also teach pulsing the power to the device that produces the ions species such as plasma and such pulsing can be provided internally or externally or may be pulsing the ion energy by pulsing the substrate biasing (col.12, lines 60-col.13, lines 1-7).

It is noted that pulsing the plasma generator reads on the limitation of refraining from injecting the high-frequency into the substrate---- in response to an at least approximately ambipolar plasma being present .

Ye et al may not explicitly teach the high-frequency power is modulated or pulsed with low frequency and during such processing, refraining from injecting the high-frequency power into the etching body via the substrate electrode.

However, Aota et al teach an apparatus that can be used during etching or deposition process with improvement (paragraphs 0046 and 0103), wherein the high frequency power (paragraph 0052) is modulated with low-frequency, wherein the modulation frequency is in the range of **50 Hz to 100 KHz** for suppressing by-product during plasma processing (paragraphs 0045 and 0050) in order to high quality, high-speed plasma processing (paragraph 0015).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to employ Aota et al's teaching into Ye et al's teaching for achieving a high-quality plasma processing as suggested by Aota et al.

10. Claims 4-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ye et al (6,143,476) as supported by Ohtake et al ("Charge-free etching using positive and negative ions --- low-frequency bias") in view of Aota et al (2003/0070759) as applied above, and further in view of Ise et al (6,218,196) as supported by Hasimoto et al (5,779,925).

Modified Ye et al discusses above except the first pulsing and the low-frequency are performed at the same frequency (as of claim 10) or existing a fixed integral phase ratio between the pulses (as of claim 4).

However, Ise et al teaches a high-frequency power is modulated with low-frequency, wherein the modulation duty ratio of a pulse waveform is fixed at the optimum value of 50%. Ise et al teach that the pulse frequency range of 1 Hz to 50 kHz as long as the duty ratio falls at least within a range of 20% to 75% (col.2, lines 37-

45, col.3, lines 7-10 and col.5, lines 62-67) and such arrangement reduces the reaction product accumulation on the surface to be etched (col.5, lines 11-20).

As the claims do not limit that the first and the second or the low-frequency pulses are different from each other, it is considered that the low frequency pulse falls within the claimed range and expected to have the similar result.

Furthermore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to use the same frequency for pulsing the plasma and the substrate bias frequency for reducing the processing cost such as a single pulse generator can provide the same pulse frequency as supported by Hashimoto et al (5,779,925).

Hashimoto et al teach a RF signal having a wave form similar to the RF output wave form is picked up from the RF bias power and the pulse generator generates a pulse train having the same repetition period as the inputted RF signal and a desired on-period synchronous with a desired phase (col.10, lines 7-15).

As to claim 4, as Hashimoto et al appears to teach both the pulse wave form are similar and therefore, a fixed integral ratio exist between the pulse train.

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to employ Ise et al and Hashimoto et al's teaching into Ye et al's process for reducing the reaction product accumulation on the etched substrate as taught by Ise et al.

11. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ye et al (6,143,476) as supported by Ohtake et al ("Charge-free etching using positive and negative ions --- low-frequency bias") in view of Koshimizu (5,290,383).

Modified Ye et al discusses above in the paragraph 9 but fail to teach adding an inert gas in the plasma.

However, in a controlled plasma etching process of silicon substrate, Koshimizu teaches the addition of inert gas into the plasma in order to stabilize the plasma (col.14, lines 29-41).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to combine Koshimizu's teaching into Modified Ye et al's process for stabilizing the plasma as taught by Koshimizu.

12. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ye et al (6,143,476) as supported by Ohtake et al ("Charge-free etching using positive and negative ions --- low-frequency bias") in view of Sumiya et al (2002/0114897).

Ye et al discusses above in the paragraph 9 but fail to teach synchronizing the modulation and the low-frequency modulation with one another.

However, Sumiya et al teach the time-modulated bias power, the pulse discharging period is synchronized with the time-modulated bias power and the on period of the pulsed discharge is also synchronized with the on period of the time-modulated bias power. This makes it possible to lower the voltage



appearing on the gate oxide film. In the off time of the pulsed discharge, as to the continuous bias, the ions in the plasma being attenuated are charged onto the substrate after the pulse-off period, while as to the time-modulated bias power, no function is provided of charging the ions in the plasma into the substrate after the pulsed discharge. As shown in FIG. 4, it is considered that the electron/ion saturated current ratio is quickly decreased in the sparse portion on the surface of the substrate [0049].

[0052] In the case of applying the high frequency bias to the substrate having a portion to be etched of the sparse patterns for performing the plasma process, by adjusting the pulse repetitive frequency and the duty ratio and increasing the ratio of the time  $\tau$ . when the electron/ion saturated current ratio is 1 per one pulse period or the ratio of the time when the electron/ion saturated current ratio is 1/10 or less per one pulse period, at which ratio of 1/10 the difference of the electron/ion saturated current ratio between the sparse and the dense portions of the patterns becomes small, it is possible to lower the charging damage. Further, by combining the time-modulated bias with the pulsed discharge and synchronizing both with each other, it is possible to reduce the voltage occurring on the gate oxide film, thereby reducing the charging damage and making it possible to perform the highly accurate etching

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to combine Sumiya et al's teaching into Ye et al's process for reducing charging damage and for improved etching precision as taught by Sumiya et al.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable Ye et al (6,143,476) as supported by Ohtake et al ("Charge-free etching using positive and negative ions --- low-frequency bias") in view of Dockrey (4,799,991).

Ye et al discusses above in the paragraph 9 and also teach the etchant gas comprises  $\text{Cl}_2$ ,  $\text{HCl}$ , etc. (col.13, lines 35-38) but fail to teach that the under etching is performed using highly oxidizing fluorine compound includes  $\text{ClF}_3$ .

However, in a process of silicon etching, Dockrey teaches the use of  $\text{HCl}$  and  $\text{ClF}_3$  can be used as an efficient etchant for silicon (see col.3, lines 35-40 and claim 2).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of claimed invention to combine Dockrey's teaching into Ye et al's process because both  $\text{HCl}$  and  $\text{ClF}_3$  are functionally equivalent as taught by Dockrey.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on Mon-Thurs day (7:00-3:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner  
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SA  
January 14, 2010

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